

04/03/01

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APR 10 2001

TC 2800 MAIL ROOM

In re Application of

Serial no.

Filed

For

William John BAILLIE-HAMILTON

09/171,583

with an effective filing date of April 23, 1997

LIGHT EMITTING DEVICE AND ARRAYS  
THEREOF

2875

P. Neils

ROCKCO P39AUS

Group Art Unit

Examiner

Docket

The Commissioner of Patents and Trademarks  
Washington, D.C. 20231

### RESPONSE

Dear Sir:

This response is being filed in reply to the official action mailed October 3, 2000. In that action, the Examiner required an election of species under 35 U.S.C. § 121 between the following alleged patentably distinct species of the invention:

I.	Species I	Figure 1;	Claim 61
II.	Species II	Figure 2;	Claims 46, 61
III.	Species III	Figure 3;	Claims 40, 61
IV.	Species IV	Figure 4;	Claims 42, 43
V.	Species V	Figure 6;	Claim 40
VI.	Species VI	Figure 7;	
VII.	Species VII	Figs. 8A-8E;	Claims 40, 41, 61-63
VIII.	Species VIII	Figs. 9A-9C; and	Claims 40, 43, 50-58
IX.	Species IX	Figure 10.	Claims 40, 61

Reconsideration of this requirement for election of species is respectfully requested in view of the following remarks.

The Applicant believes that the present invention contains various embodiments of a single inventive concept. All nine species contain the features presently recited in claims 38, 39, 45, 47, 59 and 60 which claims are currently generic to all nine species of the invention. Moreover, the Applicant believes that claims 38, 39, 45, 47, 59 and 60 are allowable and consequently all species of the invention should be prosecuted in one and the same application for efficiency reasons. It is respectfully submitted that all nine species of the invention represent similar ways of obtaining the same desired results disclosed within this application.

Notwithstanding the above, in order to fulfill the Examiner's request, the Applicant provisionally elects, with traverse, to prosecute the species of the claimed invention shown in

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Figure 8A-8E of the drawings. The Applicant also provisionally elects, with traverse, claims 38, 39, 40, 41, 45, 47, 59, 60-63 which are readable on the elected species to be prosecuted on the merits.

The Applicant does not waive any rights with respect to the non-elected species and does not intend to abandon that subject matter. If the Examiner makes the election requirement final, the Applicant respectfully requests that the non-elected species be withdrawn from further consideration but remain in this application subject to reinstatement, in the event that one or more generic claims is/are allowed, or for possible filing of a divisional application(s).

In view of the foregoing, it is respectfully submitted that the outstanding election of species requirement should be withdrawn and examination of all claims pending in this application, on the merits, is respectfully requested at the present time.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on April 3, 2001.

By: 

Print Name: Michael J. Bujold